

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PEACE MARK (HOLDINGS) LIMITED,

Plaintiff,

- against -

ORDER
08-CV-2460 (RRM) (RLM)

INTERNATIONAL WATCH GROUP, INC.,

Defendant.

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MAUSKOPF, United States District Judge.

By Motion filed October 30, 2009, Plaintiff Peace Mark (Holdings) Limited (“Peace Mark”) moved for default judgment against Defendant International Watch Group, Inc. (“IWG”). (Docket No. 14). By Order entered November 17, 2009, this Court referred that motion to the assigned Magistrate Judge, the Honorable Roanne L. Mann, for an inquest on damages and a Report and Recommendation. On February 1, 2010, Judge Mann issued a Report and Recommendation (the “R&R”) recommending that default judgment be entered against IWG in the principal amount of \$348,056.00, plus \$67,264.18 in prejudgment interest through December 31, 2008, along with pre- and post-judgment interest from January 1, 2009, calculated at the rate applicable under 28 U.S.C. § 1961(a). (Docket No. 20). Judge Mann’s R&R properly provided notice that, pursuant to Rule 72(b), any objection to the R&R was due on or before February 17, 2010.

The Clerk of Court mailed a copy of the R&R to IWG at its last known business address on February 12, 2010. That mailing was subsequently returned as undeliverable. (Docket No. 23).¹ Peace Mark, however, provided a certificate of service indicating that on February 3, 2010, service of the R&R was properly made, as directed, upon IWG’s corporate officer, Mr. Martin Blau at:

¹ Even if this were the only incident of service, adoption of the R&R would nonetheless be appropriate. *See Ann Taylor, Inc. v. Interstate Motor Carrier, Inc.*, 2004 WL 2029908, at *1-3 (S.D.N.Y. Sept. 13, 2004) (granting motion for a default judgment after service by mail at the defendants’ last known address were returned as “undeliverable”).

1667 56th Street, Brooklyn, NY 11204. (Docket Nos. 21 & 22.) To date, neither party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the well-reasoned R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, it is hereby ORDERED that Peace Mark's motion for default judgment as to IWG is GRANTED. It is further ORDERED that judgment be entered against IWG in the principal amount of \$348,056.00, plus (a) \$67,264.18 prejudgment interest – which sum constitutes prejudgment interest through December 31, 2008 at the applicable rate set forth under N.Y. C.P.L.R. 5001, and (b) pre- and post-judgment interest from January 1, 2009, at the statutory rate set forth under 28 U.S.C. § 1961(a). The Clerk of Court is directed to enter judgment accordingly and close the case.

SO ORDERED.

Dated: Brooklyn, New York
March 16, 2010

s/RRM

ROSLYNN R. MAUSKOPF
United States District Judge